

EXHIBIT A



116 E. Campbell Avenue, Suite 1
Campbell, California 95008
Telephone: 408.378.3200
Facsimile: 408.378.3202

VIA FACSIMILE

July 18, 2008

Adam Wang
12 So. First St., Ste. 613
San Jose, CA 95113

Re: *Portillo/Lopez v. Pacifica Construction et al.*

Dear Mr. Wang:

This confirms our telephone conversation on June 30, 2008. I confirmed that I represent the defendants in the above-entitled action. I asked for confirmation of service of process; you offered to give me 30 days to respond to the complaint. Our response is therefore due on July 30, 2008.

During our conversation I also told you that the complaint was somewhat short on the specifics of your clients' claims. I also told you that our records indicate that Mr. Lopez was not owed any overtime for the time period alleged in the complaint. It further appears that Mr. Portillo did not work for Pacifica Construction during the time period alleged in the complaint. I asked you to provide more specific information about the nature and extent of your clients' claims.

I also told you that Mr. Lopez (who apparently also goes by the name Ediel Vasquez) had surgery to remove a growth from his right hand at Bay Area Surgical Group and that contrary to what he apparently reported to you, there was no work-related injury. I told you that I could get the medical records to confirm this. The medical records confirm that he had an "unusual and tenacious synovitis" which was "unrelated to industrial exposure." In plain terms, he had a growth on his arm that was causing pain, which was not caused by work and which was removed.

The cost of that surgery, which your client has not paid, was \$37,953.26. The relevant records are attached. I told you that if Mr. Lopez/Vasquez insists on pursuing this baseless claim that I will prepare a complaint on behalf of Bay Area Surgical Group to collect on this unpaid debt.

I have tried to reach you by telephone several times since our only conversation. You have not returned any of my calls. In addition, a review of the court file revealed that your complaint was originally filed in January 2008, that you never served that complaint and that in fact you only amended the complaint and attempted service after an order to show cause was issued. There

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also appears to be a case management conference set, of which you were presumably required to give notice. You did not do this.

Finally, I am informed that at least one of the plaintiffs recently asked you to drop this matter but that you refused.

The facts described above lead me to conclude that you do not have a lot of confidence in this case. In fact, I think that you believe that your clients have a very small claim (at best) for wages owed but you filed in federal court, hoping to make this as burdensome as possible on defendants, so they would want to settle.

I write, therefore, to urge you to reconsider your decision to file this lawsuit and to instead dismiss it immediately. I do not believe that you have a single shred of evidence to support your alleged overtime claim. Moreover, I don't think your clients have any confidence in this case and neither do you. If my beliefs regarding the facts in this case are correct, then you have violated Federal Rule of Civil Procedure 11(b) and I will file a motion for sanctions pursuant to subsection (c).

If you would please do me the courtesy of returning my phone calls I think I can propose a resolution to this matter. Otherwise, you can expect our response to the complaint on July 30.

Thank you.

Very truly yours,

ROUSSO & JACKEL

A handwritten signature in cursive script, appearing to read "Nora Rouso", written in dark ink.

NORA ROUSSO

cc: clients

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Adel Portillo,

NO. C 08-00190 JW

Plaintiff,

v.

**ORDER VACATING HEARING ON
ORDER TO SHOW CAUSE; SETTING
DEADLINE FOR SERVICE OF PROCESS;
SCHEDULING CASE MANAGEMENT
CONFERENCE**

Nader Sarneveslit,


Defendant.

On May 29, 2008, the Court issued an Order to Show Cause Re: Dismissal because Plaintiff had failed to serve Defendant within the time period required by Rule 4(m) of the Federal Rules of Civil Procedure. (See Docket Item No. 5.) Plaintiff was required to submit a written certification explaining his failure to serve and to appear before the Court on June 16, 2008. (Id.)

Plaintiff has complied with the Order by submitting a written certification. (See Docket Item No. 7.) Plaintiff states that he has not completed service of process because he has been unable to locate Defendant. (Id.) Plaintiff requests an additional forty-five days to locate and serve Defendant. (Id.)

In light of the certification, the Court VACATES the June 16, 2008 hearing and orders as follows:

1. Plaintiff shall serve Defendant with the Summons, Complaint, and a copy of this Order on or before **August 11, 2008.**


JAMES WARE
United States District Judge

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THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

Adam Wang waqw@sbcglobal.net

Dated: June 12, 2008

Richard W. Wieking, Clerk

**By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy**

United States District Court
For the Northern District of California

EXHIBIT C



116 E. Campbell Avenue, Suite 1
Campbell, California 95008
Telephone: 408.378.3200
Facsimile: 408.378.3202

VIA FACSIMILE

August 28, 2008

Adam Wang
12 So. First St., Ste. 613
San Jose, CA 95113

Re: *Portillo/Lopez v. Pacifica Construction et al.*

Dear Mr. Wang:

I have not heard from you since our conversation on June 30. You have not returned any of my calls, nor did you respond to my letter of July 18, 2008.

According to the court's order vacating hearing on its Order to Show Cause (June 12, 2008) the parties are to meet and confer and submit a joint case management conference statement by September 5, 2008. That date is one week from tomorrow. I assume that if you intend to further pursue this case that you will contact me regarding a proposed case management conference statement promptly. I am, frankly, concerned at the lateness of the hour but this is your case and it is up to you to prosecute it. I will take no further action unless and until I hear from you.

Thank you.

Very truly yours,

ROUSSO & JACKEL

A handwritten signature in black ink, appearing to read 'Nora Roussso', is written over the typed name.

NORA ROUSSO

cc: clients